

# HOUSE BILL 701

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HB 539/11 – W&M

2lr0497

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By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2012

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Recommitted to Ways and Means, March 20, 2012

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County Board of Education – Student Member – Voting**

3 **MC 9–12**

4 FOR the purpose of authorizing the student member of the Montgomery County Board  
5 of Education to attend an executive session of the Board of Education that  
6 relates to a certain matter; authorizing the student member of the Montgomery  
7 County Board of Education to vote on certain matters; and generally relating to  
8 the voting rights of the student member of the Montgomery County Board of  
9 Education.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 3–901(e)  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Education  
17 Section 6–202(a)  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2011 Supplement)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Education**

4 3–901.

5 (e) (1) The student member shall be a bona fide resident of Montgomery  
6 County and a regularly enrolled junior or senior year student from a Montgomery  
7 County public high school.

8 (2) The nomination and election process shall be as agreed on by the  
9 county board and the Montgomery County region of the Maryland Association of  
10 Student Councils. This agreement shall include a process by which to replace one or  
11 both of the final candidates if they are unable to proceed in the election. Any student  
12 enrolled in a middle or high school in the Montgomery County public schools may:

13 (i) Nominate a student member candidate;

14 (ii) Vote for delegates from the student’s school, who in turn  
15 vote in a nominating convention to reduce to 2 the number of candidates for student  
16 board member if there are 3 or more candidates; and

17 (iii) Vote directly for 1 of the 2 remaining student board member  
18 candidates.

19 (3) The candidate receiving the second highest number of votes in the  
20 direct election shall become the alternate student member. The alternate shall serve if  
21 the student member is unable to complete his elected term.

22 (4) Except as provided in paragraphs (5), (6), and (7) of this  
23 subsection, the student member has the same rights and privileges of an elected  
24 member.

25 (5) Unless invited to attend by the affirmative vote of a majority of the  
26 county board, the student member may not attend an executive session that relates  
27 to[:

28 (i) Hearings] HEARINGS held under § 6–202(a) of this article[;  
29 or

30 (ii) Collective bargaining].

31 (6) As provided in paragraph (7) of this subsection, the student  
32 member shall vote on all matters except those relating to[:

1 (i) § 6-202(a) of this article IN WHICH THE TEACHER,  
2 PRINCIPAL, SUPERVISOR, ASSISTANT SUPERINTENDENT, OR OTHER  
3 PROFESSIONAL ASSISTANT FACING SUSPENSION OR DISMISSAL IS EMPLOYED BY  
4 THE SCHOOL ATTENDED BY THE STUDENT MEMBER;

5 (ii) Collective bargaining;

6 (iii) Capital and operating budgets; and

7 (iv) School closings, reopenings, and boundaries].

8 (7) On a majority vote of the elected members, the board may  
9 determine, on a case by case basis, whether a matter under consideration is covered by  
10 the exclusionary [provisions listed] PROVISION in paragraph (6) of this subsection.

11 6-202.

12 (a) (1) On the recommendation of the county superintendent, a county  
13 board may suspend or dismiss a teacher, principal, supervisor, assistant  
14 superintendent, or other professional assistant for:

15 (i) Immorality;

16 (ii) Misconduct in office, including knowingly failing to report  
17 suspected child abuse in violation of § 5-704 of the Family Law Article;

18 (iii) Insubordination;

19 (iv) Incompetency; or

20 (v) Willful neglect of duty.

21 (2) Before removing an individual, the county board shall send the  
22 individual a copy of the charges against him and give him an opportunity within 10  
23 days to request a hearing.

24 (3) If the individual requests a hearing within the 10-day period:

25 (i) The county board promptly shall hold a hearing, but a  
26 hearing may not be set within 10 days after the county board sends the individual a  
27 notice of the hearing; and

28 (ii) The individual shall have an opportunity to be heard before  
29 the county board, in person or by counsel, and to bring witnesses to the hearing.

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1                   (4)     The individual may appeal from the decision of the county board to  
2 the State Board.

3                   (5)     Notwithstanding any provision of local law, in Baltimore City the  
4 suspension and removal of assistant superintendents and higher levels shall be as  
5 provided by the personnel system established by the Baltimore City Board of School  
6 Commissioners under § 4-311 of this article.

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.